

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

<b>GWACS Armory, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No.: 4:20-cv-341-JDR-SH</b>
	)	
<b>v.</b>	)	
	)	
<b>KE ARMS, LLC et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFF’S AMENDED RULE 26(a)(3) PRETRIAL DISCLOSURES**

COMES NOW, Plaintiff and Counterclaim Defendant, GWACS Armory, LLC (“GWACS”), by and through its attorneys of record, and pursuant to FRCP 26(a)(3), submits its pre-trial disclosure of witnesses and exhibits.

**I. LIST OF WITNESSES ARMORY EXPECTS TO PRESENT AT TRIAL:**

	Name and Address	Subject of Discoverable Information
1.	Jud Gudgel c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Gudgel is expected to testify regarding the facts and circumstances giving rise to Plaintiff’s Complaint and Counter-Plaintiff’s Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
2.	Shel Jones c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Jones is expected to testify regarding the facts and circumstances giving rise to Plaintiff’s Complaint and Counter-Plaintiff’s Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
3.	Scott Merrill c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Merrill is expected to testify regarding the facts and circumstances giving rise to Plaintiff’s Complaint and Counter-Plaintiff’s Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this

		action which may be elicited by counsel at trial.
4.	Russell Anderson c/o JONES, GOTCHER & BOGAN P.C. 15 East Fifth St. Suite 3800 Tulsa, OK 74103	Mr. Anderson is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, the damages he claims were sustained; and as to any other matter relevant to this action which may be elicited by counsel at trial.
7.	KE Arms, LLC, Rule 30(b)(6) Designee c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	KE Arms, LLC is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, KEA sales of KP-15 and related products KP-9 and related products; and as to any other matter relevant to this action which may be elicited by counsel at trial.
9.	Russell Phagan c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Phagan is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint; KEA sales of KP-15 and related products KP-9 and related products; and as to any other matter relevant to this action which may be elicited by counsel at trial.
11.	Karl Kasarda c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Kasarda is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint; and as to any other matter relevant to this action which may be elicited by counsel at trial.
14.	Iain Harrison c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Harrison is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint; and as to any other matter relevant to this action which may be elicited by counsel at trial.
15.	Jovan Beltran c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Beltran is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint; and as to any other matter relevant to this

		action which may be elicited by counsel at trial.
16.	Mike Kenny c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Kenny is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint, KEA sales of KP-15 and related products KP-9 and related products; and as to any other matter relevant to this action which may be elicited by counsel at trial.
17.	Paul Levy c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Levy is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint; KEA and Brownells, Inc.'s sales of KP-15 and related products KP-9 and related products; development of the KP-15 and as to any other matter relevant to this action which may be elicited by counsel at trial.
18.	Randy Sperry c/o Marquis Aurbach 10001 Park Run Drive Las Vegas, NV 89145	Mr. Sperry is expected to testify regarding the facts and circumstances giving rise to Plaintiff's Complaint and Counter-Plaintiff's Counter-Complaint; and as to any other matter relevant to this action which may be elicited by counsel at trial.

Armory reserves the right to call witnesses listed by any other party.

## II. LIST OF WITNESSES TO BE SUBPOENAED:

1. Michael Kenney
2. Russell Phagan
3. Paul Levy
4. KE Arms, LLC 30(b)(6) Designee
5. Karl Kasarda
6. Iain Harrison
7. Jovan Beltran

8. Paul Levy
9. Randy Sperry

**III. WITNESSES WHOSE TESTIMONY MAY BE PRESENTED BY DEPOSITION:**

1. Karl Kasarda
2. Randy Sperry
3. Jovan Beltran
4. Iian Harrison
5. Michael Kenney
6. Paul Levy

**IV. WITNESSES WHOSE TESTIMONY MAY BE PRESENTED BY DEPOSITION AS DEEMED NECESSARY FOR IMPEACHMENT AND/OR REBUTTAL:**

1. Karl Kasarda
2. Randy Sperry
3. Jovan Beltran
4. Iian Harrison
5. Michael Kenney
6. Russell Phagan
7. Shawn Nealon
8. Paul Levy

**V. LIST OF DOCUMENTS ARMORY EXPECTS TO USE AT TRIAL:**

<b>No.</b>	<b>Document Description</b>	<b>Bates No.</b>
<b>40.</b>	Online Post 9/16/11 CAV-15 for Sale	Depo Ex. 40
<b>7.</b>	Email Jones/Phagan & Sales Packet 9/27/11	KEA 2050-2073
<b>211.</b>	Email Jones/Phagan 9/28/11	Armory 6-11
<b>43.</b>	Emails between GWACS & SST Re: Clarifications of sale in response to GWACS Questions 09/28/11	
<b>46.</b>	LOI to SST & Emails 10/4/11	KEA 96-100

44.	SST NDA dated 10/6/11	Armory 207-209
42.	Emails Phagan/Jones 10/31/11-11/19/11	KEA 155-157
6.	Asset Purchase and Sales Agreement dated 11/22/11	KEA 178-186 & 39-40
53.	Email Phagan to Jones FedEx Packages 1/11/12	KEA 206-208
138.	Email Phagan to Armory 1/27/13	KEA 2081
139.	Email Phagan to Jones 2/27/13	KEA 2082
47.	Email Phagan to Jones 2/8/13	Armory 202-204
48.	Phagan Resume 2013	Armory 205-206
49.	Email Phagan to Jones 2/25/13 Sales Rep & NDA	Armory 2
26.	Phagan Sales Rep Agreement 2/25/13	Depo Ex. 26
27.	SST NDA 5/9/13	Depo Ex. 27
142.	Email Phagan to Jones 3/27/13	KEA 2085
146.	Emails Phagan/Jones 5/9/13	KEA 2101-2106
8.	Brownells NDA 5/31/13	KEA 44-46
56.	Email Phagan to Jones 6/2/15 Re: KEA NDA	Armory 243
212.	KEA NDA 6/2/15	KEA 41-43
23.	Armory June 2021 Investment Executive Summary	Armory 234-242
233.	Email Jones to Phagan 6/2/15 Re: Invest. Opp.	Armory 432-436
234.	Email Phagan/Jones 6/2/15 Re: Suarez Group	Armory 411
54.	Emails Phagan/Jones 6/17/15 Re: Mold cad	KEA 215
11.	Brownells NDA 1/24/16	KEA 47-49
57.	Email Levy to InRange Re: Brownells WWSD 4/9/18	
236.	Emails Jones/Levy Re: Armory Next Gen. 11/13/17- 4/9/18	Armory 488-497
155.	Emails Levy/InRangeTV 4/13/18	KEA 532
156.	Emails Jones/Levy 4/18/18 – 4/19/18	Armory 261-262
24.	Armory April 2018 Financing Executive Summary	Armory 144-160
158.	Email Brownells WWSD Variance 4/20/18	KEA 411
159.	Emails Levy/Jones GWACS Armory CAV 15 4/20/18	Armory 258-260
240.	Email Levy to Jones New Prod. Sub. 5/17/18	Armory 543
161.	Brownells Projected CAV-15 Orders 5/17/18	Armory 110/413
90.	Emails Levy/InRangeTV/Gudgel 6/5/18	KEA 378
63.	Text Messages b/w Phagan and Jones	Armory 311-333
241.	Email Jones to Levy Re: Update 6/28/18 – 9/11/18	Armory 546-552
58.	Emails Levy/InRangeTV 9/6/18-9/10/18	KEA 560-561
59.	Email Levy to Jones Receiver Update 9/10/18	Armory 4-5
60.	Emails Gudgel/Levy & Levy/Phagan 9/11/18	KEA 440-441
61.	Emails Levy/Jones & Levy/KEA&InRange 9/11/18	KEA 482-483
62.	Emails Levy/Phagan & InRange 9/11/18	KEA 721-723
14.	Emails Levy/Gudgel 10/5/18-10/29/18	KEA 402-403
242.	Brownells P.O. #09509744 11/16/18	Armory 556-558
4.	GWACS Facebook Post 01/10/2019 MKIII & MK 4	Armory 0001
28.	Brownells Catalog CAV-15 MKII & MKIII	Depo Ex. 28
65.	Email Phagan to Levy Re: GWAC Listing 8/15/19	KEA 699-700
66.	Email Phagan to Levy WWSD 2020 8/27/19	KEA 885
67.	Email Phagan to Levy Re: MK Submission 9/10/19	KEA 705-709

<b>68.</b>	Email Phagan to Levy Re: Brownells WWSD 9/18/19	KEA 724-725
<b>165.</b>	Email Phagan to Levy Re: PO 09585734 9/30/19	KEA 704
<b>91.</b>	Email Phagan to Levy/InRangeWWSDMedia/Press 10/8/19	KEA 701
<b>69.</b>	Email Phagan to Levy Re: Dist. Mk3 Design 10/9/19	KEA 702-703
<b>70.</b>	SST Post The KE Arms Poly. Rec. 11/22/19	Depo Ex. 70
<b>71.</b>	Jerking the Trigger Article, It Lives... 11/22/19	Armory 163-168
<b>72.</b>	Email Phagan to Levy RECOIL ad 11/22/19	KEA 710-718
<b>35.</b>	RECOIL article KE Arms Ann. Mk3 11/22/19	Armory 172-177
<b>73.</b>	Email Phagan to Levy MK3 Wireframe 11/27/19	KEA 693-698
<b>74.</b>	Emails Phagan/Levy 11/27/19	KEA 729-730
<b>187.</b>	Branson Invoices 12/27/19	KEA 53-54
<b>77.</b>	Email Phagan to Levy/Brownells 1/3/2010	KEA 633-635
<b>169.</b>	Emails Levy/Phagan Re: WWSD for IWA 1/11/20	KEA 664
<b>168.</b>	Email Phagan to Levy Re: PROTO-01 1/16/20	KEA 598
<b>170.</b>	Email Brownells/Levy/Phagan Shot Show 1/20/20	KEA 645-649
<b>79.</b>	Email Phagan to Levy Drop Box Link for Photos 1/20/20	KEA 566
<b>171.</b>	Email Levy to Phagan Pre-Orders 1/27/20	KEA 640
<b>31.</b>	Brownells website KP-15 WWSD 2020	Armory 182
<b>32.</b>	Brownells website KP-15 WWSD 2020	Armory 183-184
<b>33.</b>	Brownells website KP-15 WWSD 2020	Armory 185
<b>37.</b>	2 <sup>nd</sup> Amendment Wholesale Website 11/13/20	Armory 191-193
<b>75.</b>	InRange WWSD 2020 Safety & Instruction Manual	KEA 927-950
<b>173.</b>	Email Phagan to Levy Re: Release Date 2/12/20	KEA 591
<b>199.</b>	Emails Sperry/Beltran/Phagan Serial Insert 3/17/20	MDI 228-231
<b>16.</b>	Emails Armory to KEA Cease & Desist 4/7/20	KEA 67-68
<b>188.</b>	Emails Phagan/Taylor/Sperry/Beltran 4/3/20-4/8/20	Branson 1-3
<b>192.</b>	KP-15 CAM file data screenshot	Depo Ex. 192
<b>80.</b>	Email Phagan to Levy Poly. Rec. Model Update 4/16/20	KEA 596
<b>92.</b>	Roughrider/Wraithworks Variance 5/26/20	
<b>190.</b>	Emails Phagan/Beltran/Pivot Point 5/20/20-5/28/20	Depo Ex. 190
<b>201.</b>	Emails Phagan to Pivot Point 5/20/21-5/21/21	Depo Ex. 201
<b>178.</b>	Email Levy/InRange 2/4/21 & Royalty Agreement 4/12/18	KEA 562-563
<b>179.</b>	Emails Levy/Phagan Re: WWSD First Batch 3/2/21	KEA 662
<b>205.</b>	MK3 Gate Style Comparison	MDI 3131
<b>93.</b>	2 <sup>nd</sup> Amendment Wholesale Mailer WARP-15	Armory 216
<b>208.</b>	Tool & Design Group Checks	T&DG 1-9
<b>209.</b>	KEA payments to TDG spreadsheet	T&DG 10
<b>222.</b>	Tool & Design Group Bank Statements & Checks	Zion STD 1-138
<b>223.</b>	RSR Group P.O.'s & Communications	RSR 2-36
<b>228.</b>	Brownell Invoices; Dated September 21, 2021	KEA975-980 & 983-1086
<b>246.</b>	Annual Firearms Manufacturing & Expert Report for the Year 2020 Interim*	KEA1134 & KEA1157
<b>229.</b>	2018-2020 Taxes	KEA1099 - KEA1107

<b>230.</b>	Brownells' Model/Serial No., KE Arms Manufacturing List dated December 2, 2020	KEA603 - KEA606
<b>181.</b>	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Dims	Depo Ex. 181 & 182
<b>182.</b>	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Dims	Depo Ex. 181 & 182
<b>191.</b>	Demonstrative Exhibit CAV-15 & KP-15 Buttstock Surface Knit Line Dimensions	Depo Ex. 191
<b>243.</b>	Armory CAV-15 Sales Documents	Armory 264-295
<b>200.</b>	Email from Phagan to Mow, Beltran & Mike@KEArms dated 5/14/2021	Depo Ex. 200
<b>247.</b>	Molded Devices Documents	MDI 000001-90
	9/17/21 Email Re: KEA Current Pricing	KEA 967
<b>38.</b>	Web Archive Article: KP-15 Polymer Receiver	Armory-0307
<b>36.</b>	Purchase Page: KE Arms LLC – AR-15 KP-15 Stripped Lower Receivers Polymer	Armory-0179
<b>34.</b>	Letter from Nealon to KE Arms dated 2/25/2016	Armory-0118
	KEA Unit Costs	KEA 1098
<b>250.</b>	Brownell's PO's with KEA	KEA 970-982, 983-1008, 1009-1040, 1041-1068, 1069-1086 975-1086
<b>251.</b>	KEA 2 <sup>nd</sup> Amendment Wholesale Sales Reports	KEA 1088-
<b>252.</b>	KEA Brownells Total Sales	KEA 1089
<b>253.</b>	KEA Sales to Brownells Jan. 1, 2019 – Sept. 29, 2021	KEA 1090
<b>254.</b>	KEA Salse by Month Charts	KEA 1091
<b>255.</b>	KEA Sales by Item Summary Aug. 1, 2019 – Sept. 23, 2021	KEA 1092
<b>256.</b>	KEA KP-15 Total Sales Cash	KEA 1093
<b>257.</b>	KEA Total sales to RSR Group	KEA 1094
<b>258.</b>	KEA Salse Wraithworks	KEA 1095
<b>259.</b>	KEA Sales Summaries	KEA 3047-3049
<b>260.</b>	RSR Group PO's	RSR 0001-0012
<b>261.</b>	RSR Group Email Re: Proposed Mo. Ship 6/17/21	RSR 0018
<b>262.</b>	RSR Group Emails & Pricing 05/26/21	RSR 0022
<b>263.</b>	RSR Group Emails & Pricing	RSR 0023-0026
<b>229.</b>	KEA Tax Returns 2018 - 2020	
<b>264.</b>	GWACS New Products Renderings	KEA 916 - 919
<b>265.</b>	10/06/20 Colt Record from KEA	KEA 2117
<b>222.</b>	Tool & Design Group Bank Statements	Zion STD 0001-0071
<b>138.</b>	Demonstrative Exhibit CAV-15 & KP-15 Pins	
<b>139.</b>	Plaintiff's Expert Reports	
<b>140.</b>	Defendants' Expert Reports	

GWACS reserves the right to amend, supplement, or add to this list of documents, any documents, other exhibits or demonstrative evidence which may be relevant to the issues of this case. Further, GWACS reserves the right to use any documents identified by KE Arms, LLC.

Dated January 20, 2025.

Respectfully submitted,

**JONES, GOTCHER & BOGAN, P.C.**

s/Tadd J.P. Bogan

Tadd J.P. Bogan, OBA #20962

James E. Weger, OBA #9437

3800 First Place Tower

15 East Fifth Street

Tulsa, Oklahoma 74103

Telephone: (918)581-8200

Facsimile: (918)583-1189

E-Mail: [tbogan@jonesgotcher.com](mailto:tbogan@jonesgotcher.com)

[jweger@jonesgotcher.com](mailto:jweger@jonesgotcher.com)

**Attorneys for Plaintiff, GWACS Armory,  
LLC**

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 20, 2025, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the record currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/Tadd J.P. Bogan

Tadd J. P. Bogan